

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**LUZ TAMAYO,**

Plaintiff,

v.

**FINANCIAL RECOVERY  
SERVICES, INC.,**

Defendant.

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**Civil Action No.**

**NOTICE OF REMOVAL**

To: Clerk- United States District Court for the  
District of New Jersey

**PLEASE TAKE NOTICE THAT**, on this date, Defendant, Financial Recovery Services, Inc. ("FRS"), pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, hereby removes the above captioned matter to this Court from the Superior Court of New Jersey, Law Division, Special Civil Part, Bergen County. In support thereof, FRS avers as follows:

1. On or about December 28, 2012, Plaintiff filed a Complaint against FRS in the Superior Court of New Jersey, Law Division, Special Civil Part, Bergen County under docket number DC-000367-13. (A true and correct copy of Plaintiff's Summons and Complaint is attached hereto and marked as Exhibit "A").
2. FRS was served with Plaintiff's Complaint on January 8, 2013.
3. Plaintiff's Complaint alleges that FRS violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq. in its attempts to collect a debt obligation owed by Plaintiff.

4. Based on the foregoing, FRS has timely filed this Notice of Removal within thirty days of being served with the Complaint and within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

5. The current action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by FRS pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged, *inter alia*, that FRS violated the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, et seq., thereby asserting claims that arise under federal law.

6. In that the causes of action alleged by the Plaintiff arise from the performance of obligations of the parties within Bergen County, New Jersey, the United States District Court for the District of New Jersey, Newark, should be assigned the Action.

7. FRS, upon filing this Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, has also caused to be filed copies of this Notice with the Clerk of the Superior Court of New Jersey, Law Division, Special Civil Part, Bergen County, to effect removal of this action pursuant to 28 U.S.C. § 1446(d).

**WHEREFORE**, Defendant, Financial Recovery Services, Inc. notifies this Court that this action is removed from the Superior Court of New Jersey, Law Division, Special Civil Part, Bergen County, to the United States District Court for the District of New Jersey pursuant to the provisions of 28 U.S.C. §§ 1331 and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN, P.C.**

By: 

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Attorneys for Defendant  
Financial Recovery Services, Inc.

Dated: February 6, 2013

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**LUZ TAMAYO,**

Plaintiff,

v.

**FINANCIAL RECOVERY  
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**Civil Action No.**

**PROOF OF MAILING**

I hereby certify that on February 6, 2013, the original of the within Notice of Removal was sent to the Clerk of the United States District Court, New Jersey to be filed and that a copy of the same was forwarded to the following interested persons as follows:

**NAME AND ADDRESSES**


Benjamin Nazmiyal, Esq.  
Benjamin Nazmiyal Law Group, P.C.  
209 Main Street  
Fort Lee, NJ 07024  
Attorneys for Plaintiff

Clerk, Bergen County Superior Court  
Case Processing Section, Room 119  
Justice Center, 10 Main St.  
Hackensack, NJ 07601-0769

I certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN, P.C.**

By:

  
Attorneys for Defendant  
Financial Recovery Services, Inc.

Dated: February 6, 2013